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3 UNITED STATES DISTRICT COURT4
5 DISTRICT OF NEVADA

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7 CLEMMIE B. BLEDSOE, JR,

Case No. 2:23-cv-01974-RFB-EJY

8 Plaintiff,

ORDER

9 v.

10 CHRIS LEE, *et al.*,11 Defendants.
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14 Plaintiff Clemmie B. Bledsoe, Jr., brings this civil-rights action under 42 U.S.C. § 1983.
15 (ECF No. 1-1). On November 28, 2023, the Court sent Bledsoe an advisory letter, which came
16 back as undeliverable to the address that Bledsoe provided. (ECF Nos. 2, 3). On January 22, 2024,
17 the Court ordered Bledsoe to file a notice with his current address on or before February 19, 2024.
18 (ECF No. 4). That deadline expired and Bledsoe did not file an updated address or otherwise
19 respond to the Court's order.

20 District courts have the inherent power to control their dockets and “[i]n the exercise of
21 that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.
22 Thompson v. Hous. Auth. of City of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986). A court may
23 dismiss an action based on a party's failure to obey a court order or comply with local rules. See
24 Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply
25 with local rule requiring *pro se* plaintiffs to keep court apprised of address); Malone v. U.S. Postal
26 Service, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In
27 determining whether to dismiss an action on one of these grounds, the Court must consider: (1)
28 the public's interest in expeditious resolution of litigation; (2) the Court's need to manage its
docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of

1 cases on their merits; and (5) the availability of less drastic alternatives. See In re
2 Phenylpropanolamine Prod. Liab. Litig., 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting Malone v.
3 U.S. Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987)).

4 The first two factors, the public's interest in expeditiously resolving this litigation and the
5 Court's interest in managing its docket, weigh in favor of dismissal of Bledsoe's claims. The third
6 factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of
7 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
8 or prosecuting an action. See Anderson v. Air West, 542 F.2d 522, 524 (9th Cir. 1976). The fourth
9 factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by
10 the factors favoring dismissal.

11 The fifth factor requires the Court to consider whether less drastic alternatives can be used
12 to correct the party's failure that brought about the Court's need to consider dismissal. See Yourish
13 v. Cal. Amplifier, 191 F.3d 983, 992 (9th Cir. 1999) (explaining that considering less drastic
14 alternatives *before* the party has disobeyed a court order does not satisfy this factor); accord
15 Pagtalunan v. Galaza, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that “the persuasive
16 force of” earlier Ninth Circuit cases that “implicitly accepted pursuit of less drastic alternatives
17 prior to disobedience of the court's order as satisfying this element[,]” i.e., like the “initial granting
18 of leave to amend coupled with the warning of dismissal for failure to comply[,]” have been
19 “eroded” by Yourish). Courts “need not exhaust every sanction short of dismissal before finally
20 dismissing a case, but must explore possible and meaningful alternatives.” Henderson v. Duncan,
21 779 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot proceed until and unless Bledsoe
22 files his current address, the only alternative is to enter a second order setting another deadline.
23 But the reality of repeating an ignored order is that it often only delays the inevitable and squanders
24 the Court's finite resources. The circumstances here do not indicate that this case will be an
25 exception: either Bledsoe receive the Court's order and ignored it, or he is not able to receive
26 orders from the Court at the address that he provided. Setting another deadline is not a meaningful
27 alternative given these circumstances. So the fifth factor favors dismissal.
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1 Having thoroughly considered these dismissal factors, the Court finds that they weigh in
2 favor of dismissal.

3 **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice**
4 based on Bledsoe's failure to file his current address in compliance with this Court's January 22,
5 2024, order. The Clerk of Court is directed to enter judgment accordingly and close this case.

6 **IT IS FURTHER ORDERED** that Bledsoe may move to reopen this case and vacate the
7 judgment by filing a motion for reconsideration of this order. In this motion, Bledsoe is required
8 to explain why he did not file his current address with the Court. If the Court finds there to be good
9 cause or a reasonable explanation therein, the Court will reopen the case and vacate the judgment.

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11 **DATED:** January 7, 2025

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14 **RICHARD F. BOULWARE, II**
15 **UNITED STATES DISTRICT JUDGE**
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